

Meeting Minutes

June 8, 2006

Town of Los Altos Hills

City Council Regular Meeting

Thursday, June 8, 2006 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:15 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: Acting City Manager/Planning Director Carl Cahill, City Attorney Steve Mattas, Administrative Services Director Sarah Ragsdale, Public Works Director/City Engineer Henry Louie and City Clerk Karen Jost

Acting City Manager Carl Cahill requested Council consideration of adding an urgency item to the agenda. Council had approved the Town Ring improvements and funding for the project at a previous meeting but the resolution granting the City Manager authority to execute the agreement for said project had not been approved. This information had surfaced after the agenda had been posted.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to add to the meeting agenda as New Business item 6.1 Council consideration of a resolution approving and authorizing the City Manager to execute an agreement with LTD Equestrian Ranches for refurbishment of the Town's riding ring.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Jones and passed unanimously to limit the length of time for public comments to two minutes.

2. APPOINTMENTS AND PRESENTATIONS

None

3. PLANNING COMMISSION REPORT

Acting City Manager/Planning Director Carl Cahill reported that at their June 1, 2006 meeting, the Planning Commission had reviewed and approved a request for a Conditional Development Permit for a new residence. The proposal included a request for a variance for one uncovered parking space and several windows to be located in the

side yard setback. The Commission also reviewed two proposed amendments to the Zoning and Site Development Codes including: an ordinance that would allow up to 500 square feet of additional development to property owners who installed an equal amount of roof mounted solar panels subject to certain conditions and an ordinance that would require removal of Eucalyptus trees at the time of site development approval. The Planning Commission had recommended approval of both amendments and they would be forwarded to the City Council for their consideration as public hearings at a future City Council meeting.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to approve the remainder of the Consent Calendar specifically;

- 4.1 Approval of Minutes: Regular City Council Meeting May 11, 2006
Special City Council Meeting May 25, 2006
- 4.2 Review of Disbursements: May 18, 2006-June 1, 2006 \$83,843.78
- 4.3 Notification of Fast Track Approval: Lands of Wilson, 10435 Albertson Lane; A Request for a Site Development Permit for a 1,785 square foot Addition and Remodel; Maximum Height 23' (156-04-ZP-SD-GD)
- 4.4 Approval of Funding for the Replacement of the Fence at the Town Riding Ring
- 4.5 Adoption of Resolution Ordering and Calling a General Municipal Election to be Held in the Town of Los Altos Hills on November 7, 2006; Requesting the Services of the Registrar of Voters; Requesting Consolidation of Elections and Providing for Giving Notice of the Election and Establishing Policies Pertaining to Candidate Statements and Fees – Resolution #40-06
- 4.6 Dedication of Right-of-Way; Lands of Lam, 23415 Camino Hermoso – Resolution #41-06

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr explained he expected a preliminary report to be forthcoming from staff that reviewed the Town's energy usage at the new Town Hall. This would be used in determining the base year usage statistics and assist with the evaluation of the Town's efforts to meet the adopted conservation goals. He noted that staff had been busy with the preparation of the fiscal year budget and he estimated the report would be forwarded to Council at a July meeting.

5.1.2 Bringing Public Education Back to the Hills

5.1.2a Status Report on the Re-Districting Alternative Negotiations- Mayor Kerr and Councilmember Jones

Mayor Kerr provided a brief overview report of the Redistricting Alternative Negotiations effort. He noted that he and Councilmember Jones had multiple contacts with the negotiators since his last report to Council. Senator Joe Simitian had been contacted by the Mayor and a request had been made for his assistance. Kerr noted that the negotiated settlement “term sheet”, although negotiated in good faith, its passage had not been advocated by the Los Altos School District negotiators before the full School Board. He had attended the June 5, 2006 Los Altos School District Board meeting and spoke to the Board. He was disappointed that the issue of the creation of a “true neighborhood school” in Los Altos Hills had not been discussed. Kerr did not expect the subject to be reviewed by the Board anytime before the Fall. He noted that the Town had exhausted their options for a successful negotiation with the Los Altos School District and he could not guarantee any further progress could be made with further negotiations.

Councilmember Jones suggested that the negotiations had been the effort of the Council and the Town to try every feasible approach to work with the surrounding communities to meet the need for a permanent “true neighborhood school” that could be accessed by all Town residents. Jones believed that the decision to move forward with the negotiation efforts and expend the additional time had been the correct approach. The meetings had afforded an opportunity for all of the stakeholders to have a clear understanding of each other’s needs.

Councilmember Jones read into the record a statement from Mark Goines, LASD Board Member (email dated June 6, 2006): “Breene and Craig- I want to let you know that there is no way LASD is going to be able to address the term sheet (or framework) items in a manner that meets your timeline. We are steeped in a deep analysis process that will take weeks to complete, and will clearly go past your June 8 meeting, and possibly could last until September. The ramifications of these decisions are very large and the board must be thorough in its analysis and process, which will take time. The timeline we have been given by your council is simply not achievable by LASD.”

Mayor Pro Tem Warshawsky questioned why Goines referenced the timeline as Council’s timeline when the timeline had been requested by Goines and defined by LASD. Jones concurred that it was a timeline that they had requested and had been granted by Council and noted that other parties in the negotiation were able to reach a conclusion within the time frame. Jones referenced an email from Bullis Charter School Board Chair Ken Moore (dated June 6, 2006), to the City Council. Jones read Moore’s statement into the record: “On behalf of the BCS board, we thank you for the strong leadership you have demonstrated toward returning public education to LAH. While we do not like everything in the term sheet, BCS fully endorses the term sheet as written as a vehicle for returning public education to LAH. I am quite certain PAUSD and MVLA agree as well. Personally, it looks inevitable that a redistricting effort will need to be initiated. I encourage you all to do so.”

Jones offered that he believed the public opinion in Los Altos was moving forward but not at the rate deemed necessary by the Council. He suggested that it was unpredictable when and what the decision by LASD would be. Jones noted that the District would continue with their process and they might ultimately decide to rehabilitate the Bullis campus and to locate the BCS at the site. Their review was being done within the context of their enrollment and facilities analysis and they were unable to prioritize the Town's need for "neighborhood school" within the timeline. It was impossible to predict their ultimate decision but the Council and the Los Altos Hills citizens would be fully aware of their final outcome if it comes to the point of voting on redistricting. Jones noted that he concurred with Kerr that the process provided a fair and full opportunity for the negotiators to come to agreement but one of the negotiating parties was unable to reach consensus and there was no certainty that a consensus would be reached and in a manner that meets the needs of the Town. He offered that waiting an additional two or three weeks would not be fruitful.

- 5.1.2b Consideration of Submittal of Resolution No. 25-06 to the County Committee or Adoption of Alternative Resolution Requesting the Santa Clara County Committee on School District Organization to Adopt a Tentative Plan for the Reorganization of Portions of the PAUSD, the MVLAHSD, and the LASD to Create a new Los Altos Hills K-8 District that May Feed into PAUSD AND MVLAHSD Pursuant to Current Attendance Patterns for Grades 9-12, to hold Public Hearings on the Plan for Reorganization, to Approve the Plan and to send it to the California State Board of Education for its Review and Approval

Councilmember Jones spoke to item 5.1.2b. Council had before them two issues to deliberate. First, the question of moving forward with redistricting. If Council voted in the affirmative, which vehicle did they wish to submit to the County Committee; the previously adopted Resolution 25-06 or the alternative resolution offered by Councilmember Jones? Jones explained that Resolution 25-06 called for the County Committee to initiate the process of creating a K-8 school district within the Town's boundaries and for all students from the K-8 school(s) to matriculate to the Palo Alto Unified School District for high school. His alternative draft resolution before Council called for the creation of a K-8 school district with continuation of the current attendance boundaries for high school. He suggested that the proposed draft resolution would provide geographical convenience for residents and enhance the likelihood of eventual approval because it eliminated the potential of a substantial fiscal impact on another district. He noted that LASD had, by way of their CACF committee review, stated that redistricting would have a minimal fiscal impact on the district; PAUSD with its enrollment size would most likely not be adversely impacted; and, if you maintained the current attendance boundaries, you would eliminate the fiscal impact to the Mountain View-Los Altos High School District. Jones supported his alternative resolution for educational reasons; the continuation of historical attendance boundaries; and, the fact that it would enhance the chance of a successful redistricting. Jones noted that following

a decision by Council, the Public Education Committee had additional technical considerations they wished discussed.

Mayor Kerr read into the record his response to Planning Commissioner Bart Carey's query regarding the logic behind the proposal to maintain the current High School attendance boundaries (email dated June 8, 2006). Council had received copies of his statement and the Clerk would make it available to anyone interested in a copy. Kerr stated that "Kids in Town actually go to three HS, if you include Mt. View High School. It is attended by a small but significant section of the south part of Town. There are several reasons to consider preserving current attendance boundaries: 1) From a social equity and values perspective, it is better to continue the process of raising up Los Altos High School to Gunn's level, rather than tearing it down by ripping out some of its best students and most supportive families. 2) Most of the High School parents are pretty happy... the elementary situation is the thing that is broken and needs fixing. 3) From a practical political standpoint, it is far easier to win this fight if we eliminate a powerful potential enemy (Mt.View/Los Altos High School District) by neutralizing their financial concerns. These adverse financial effects are also something that the State Board of Education will eventually have to consider under the nine criteria. 4) From our own residents point of view, we are a sister city to Los Altos, not some undefined part of South Palo Alto. Los Altos High School is at the core of that combined community. That's why many families willingly send their kids there. 5) Gunn High School is essentially full and Palo Alto Unified would have a very difficult time accommodating a large influx of students. Eliminating this issue defuses a lot of PAUSD's reasons to oppose the redistricting and eliminates the possibility of a lottery for space, the potential of which could create a significant opposition within our own community. 6) The preservation of High School attendance boundaries reduces the technical complexity of the redistricting by eliminating the territory transfer from Mt. View Los Altos High School District to Palo Alto Unified. As a practical matter, this makes it easier to get done."

Councilmember Mordo questioned how splitting the attendance at the high school level would make redistricting easier. He noted that they had been advised previously that this particular attendance pattern could not be done and was not supported by law. Councilmember Jones reviewed the alternative resolution with Council. He noted that it would seek assistance from the County Committee to interpret the legal issues and assist the Town in determining the appropriate means for maintaining the high school attendance boundaries. The Education Code is vague on the subject and difficult to interpret. Jones offered that each redistricting was unique and required a new solution. He noted that it was possible that the request would require special legislation.

Mordo explained that he understood the reasons offered for maintaining the current High School boundaries but suggested that this might give away some of the independence from other school districts that the Town was seeking. He suggested that another viable option might be the creation of a K-12 school district with negotiated agreements with Palo Alto Unified and Mt. View Los Altos School District to enroll the Town's students. He questioned if a boundary that divided the Town was fair and if removal of the boundary would not be more unifying. Jones noted that the creation of a K-12 was a

possibility but it might put the students who would matriculate to Gunn at risk. He noted that the problem was an elementary school problem not a high school issue.

Mayor Pro Tem Warshawsky questioned why Mayor Kerr and Councilmember Jones were deferring from the original proposal that all students matriculate to Palo Alto Unified for High School. He thought this had been considered a critical component in the redistricting discussion.

Mayor Kerr explained that during the negotiations they had listened to the concerns expressed by the School District Superintendents and Presidents of the different school boards and taken into consideration comments from the Standing Public Education Committee. He believed the alternative resolution was the most viable for a successful redistricting. Jones offered that his original comments were in support of a K-8 and assurance that those in the PAUSD residing in the northern part of Town maintained their ability to matriculate into the PAUSD.

Councilmember O'Malley questioned what the Public Education Committee's recommendation was at this time.

Duncan MacMillan, Public Education Committee Chair addressed Council. He reviewed the Committee's unanimous recommendation that the resolution include the following: 1) The preferable option was to form a K-8 school district and to have students continue with the existing attendance pattern for grades 9-12. If this option was not feasible by the County or the State either by practice or special legislation than the PEC offered a "fall back" or second option. 2) Second choice was to form a K-8 with students targeted for Palo Alto Unified High School with an additional stipulation that an MOU be instituted by the Districts that anyone in a previous attendance area could petition and would be granted an intra-district transfer. This option would preserve the revenue for Mountain View Los Altos School District for those that wished to continue in the District. 3) The final option, if #1 and #2 failed, was to form a K-12 school district and to negotiate MOU's for student attendance at the high schools. MacMillan explained that the Committee consensus was that it was important to solve the elementary school issue and that the solution did not create a problem for the districts (high school) that had not created the problem.

OPENED PUBLIC COMMENT

Rich Fischer, Superintendent, Mountain View-Los Altos High School District, offered that the MV-LA District's interests were met by the proposed alternative resolution and he thanked Council for their consideration. He suggested that redistricting that did not maintain the current high school attendance pattern would seriously impact his High School District. Fischer noted that MOU's for intra-school transfers were counter to School Board current policies and urged that Council, if they voted to go forward with redistricting, they approve the alternative resolution.

Bart Carey, Deerfield Drive, encouraged the City Council to forward the original resolution to the County Committee and begin the redistricting process. He expressed his

frustration with the changes. He suggested that Council consider removing the high school enrollment boundary lines that divided the community and make Gunn High School a part of the solution. He did not want to see community children separated when they matriculated to high school and believed that it had the best opportunity for success.

John Radford, La Paloma Drive, Public Education Committee member, urged the Council to go forward with the redistricting resolution. He supported the alternative resolution proposed by Councilmember Jones and explained that the Public Education Committee had used the intervening months since the first resolution was adopted to further investigate the issues. They had determined that it was critical to solve the K-8 existing problem and that there was a strong contingency of parents that wanted to maintain their right to send their students to Los Altos High School. On a personal note, Radford explained that he would not campaign for a redistricting effort that called for all students to attend Palo Alto Unified for high school.

Nancy Kellum, Public Education Committee, encouraged the Council to choose a solution that they believed was best for the kids. She offered that Superintendent Fischer was disingenuous with his concerns about the students. Kellum recalled that he had noted in a meeting that the Town provides the district with millions and they are only required to educate a few students. She favored the PEC amended resolution with the addition of the Gunn High School option.

Sheri Emling, Murietta Lane, thanked the Council for moving forward with the redistricting process. She believed community children deserved a neighborhood school and supported a solution that would bring a K-8 school to Los Altos Hills.

Chris Vargas, Templeton Place, explained that he had originally favored a negotiated settlement but that the Los Altos School District had approached the issue with a bias towards Los Altos students and viewed the Los Altos Hills students as secondary. Vargas noted that 90% of their student population was from Los Altos. He supported the Public Education Committee's recommended alternative resolution and believed it had the best chance for success and the least impact on other districts.

Jitze Couperus, Page Mill Road, explained that after listening to comments during the discussion, he was in concurrence that the Town was faced with a K-8 problem and Council should support the option that would best solve that problem.

Kathy Evans, La Loma Drive, Public Education Committee member, voiced her support for reorganization and believed it was an important solution for the entire community. She personally did not believe that the County Committee would approve redistricting with the current high school attendance boundaries and would require students to merge into a single high school. Evans supported the formation of a K-12 as a viable alternative if the other options failed.

Ann Duwe, Elena Road, thanked the City Council, Public Education Committee and members of the school districts for the time they had given to resolving the issue. She explained that she believed now was the time to solve the K-8 problem and urged the

Council to adopt the Public Education Committee's recommended resolution with alternatives.

Eric Clow, Central Drive, explained that he would prefer that his son went to Gunn High School but he believed that the alternative resolution that maintained the current school attendance boundaries would best defuse the redistricting critics and had the better chance of succeeding.

Peter Evans, La Loma Drive, advised that the decision before Council was primarily about starting the redistricting process. He believed that the redistricting form would go through numerous iterations before it reached the voters. Evans supported the revised resolution and believed it was the most viable.

Don MacCauley, Ravensbury Avenue, thanked Councilmember Jones for his efforts and attempts to find a negotiated solution to the education dilemma. He supported Council moving forward with redistricting and favored the alternative resolution proposed by Councilmember Jones.

John Swan, Burke Road, Public Education Committee member, stated that he was happy to see Council moving forward with redistricting. As a member of the PEC, they had been involved with the issue of returning public education to Los Altos Hills for the past thirty months. He supported the alternative resolution and noted that the Town could resolve the K-8 problem first and then revisit the high school issue and potentially form a charter high school.

David Spector, St Francis Road, thanked the City Council for the negotiation efforts. He supported Council moving forward with the alternative resolution and suggested that it would have the least opposition and the best chance of success. He supported resolving the elementary school issue. Spector encouraged the Council to continue the negotiations in parallel with the redistricting process.

Marvin Miller, Taaffe Road, encouraged the City Council to move forward with redistricting. He supported the resolution with the first alternative and believed it would be the most agreeable solution to Town residents and the most likely option to be supported by the constituencies in the surrounding school districts.

CLOSED PUBLIC COMMENT

Council discussion ensued. Jones suggested that the alternative resolution would clearly identify the Town's goal to the County Committee to form their own K-8 school district and would demonstrate that every effort was being made by the Town to minimize the effect on the surrounding districts. Mayor Kerr explained that he believed this was the time for Council to move forward. He advocated for the adoption of the alternative resolution being proposed and offered that it maintained the original objective of Council to establish a neighborhood elementary school and would have the effect of limiting opposition to the redistricting.

Councilmember Jones identified two technical changes that he would like to make to the proposed resolution (attachment 3) that included: 1) the deletion of sparsely-attended in item (b) following the sixth Whereas; and 2) amend the rent collected from Pinewood School to more than \$1,000,000 per year.

Council conducted a “straw vote” to assess the support for the technical changes to the alternative resolution as called for by Councilmember Jones. There was unanimous consensus of the Council to approve the changes.

Council reviewed the options that had been suggested by the Public Education Committee as additions to the resolution. General consensus was to adopt the resolution as presented by Councilmember Jones that called for the formation of a Los Altos Hills K-8 school district with the students following the current enrollment boundaries for high school attendance. Councilmember Jones offered that the resolution had been drafted by the City Attorney with assistance from the Public Education Committees consulting special counsel Marguerite Leoni.

MOTION MADE AND SECONDED: Moved by Jones, seconded by Mordo to adopt the resolution shown as attachment #3 as amended to reflect the two technical changes identified by Councilmember Jones.

Council requested clarification from Duncan MacMillan, Public Education Committee Chair on their proposal to include “fall back” options in the resolution. MacMillan noted that the resolution before the Council in the motion tendered by Councilmember Jones included their preferred option. He explained that the Committee had recommended the additions because they were under the assumption that if the County rejected the Council resolution, another could not be submitted, at least in the immediate future and the matter would be mute. He offered that a citizen’s committee could submit a petition to the County Committee with the required signatures.

Council briefly discussed the options and their inclusion in the resolution. There was a consensus to include the second alternative (option) that if the County Committee deemed the first arrangement not acceptable that the Los Altos Hills K-8 School District would be created with high school services provided by Palo Alto Unified School District. Council consensus was to not include any reference to MOU’s as suggested by the PEC.

MOTION AMENDED, SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed by the following roll call vote to adopt the resolution shown as attachment #3 in the report amended to reflect the two technical changes identified by Councilmember Jones and further amended to include the additional sentence in item (4) “If that arrangement is deemed by the County Committee to be impossible through waiver, special legislation, or practice; then the arrangement shall result in creating an LAH K-8 School District with high school services provided by PAUSD.” Resolution No. 42-06

AYES: Mayor Kerr, Mayor Pro Tem Warshawsky, Councilmember Jones,
Councilmember Mordo and Councilmember O'Malley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Jones and passed unanimously to resend Resolution 25-06 adopted by the City Council on March 26, 2006.

City Attorney Steve Mattas requested confirmation that Council was directing staff to transmit the resolution to the County Committee. Council concurred.

COUNCIL MEETING RECESSED AT 8:45 p.m.
COUNCIL MEETING RECONVENED AT 8:55 p.m.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to request the Public Education Committee create an Ad-Hoc Committee, whose membership would be less than a quorum of the Standing Committee, to interact with the Santa Clara County Office of Education and its related agencies on matters related to Resolution 42-06 on an advisory basis with all decisions to be returned to the City Council for their consideration.

5.2 Underground Project Status Report

Mayor Pro Tem Warshawsky reported that the Undergrounding Ad Hoc Committee had met with the Standing Finance and Investment Committee to discuss financing options for a town wide undergrounding project that included: a utility tax, use of TEA funds, general fund financing, and a real estate transfer tax that could be imposed as a Charter City.

Council briefly discussed the financing options and suggested that the undergrounding of utilities would benefit all Town residents aesthetically, offer reliable utilities and provide a fire safety/prevention factor. It was suggested that Council consider broadening the scope of investigation for a possible utility tax to include broader infrastructure improvements that would include sewer accessibility to the many residents still on septic systems.

5.3 Update on General Plan Review

Councilmember O'Malley reported that a half-hour study session with the City Council and Ad-Hoc General Plan Review Committee had been scheduled prior to the July 13, 2006 City Council meeting.

5.4 Status of Town Pathways Projects

Public Works Director/City Engineer Henry Louie reminded Council of the El Monte Road/Moody Road Path Project Ground Breaking Ceremony at Rhus Ridge and El Monte Road scheduled for Friday, June 9, 2006.

Louie provided a status report on the Moody Road Project additional segments and the project on El Monte Road that was currently being redesigned.

Council requested that staff agendize for future discussion road issues on Page Mill Road in response to email correspondence from Mr. Khavari.

5.5 Consideration of Adoption of Revisions to Standing Committee Resolution
No. 87-05 Adding the Westwind Community Barn Committee –

Councilmember O'Malley recused himself from discussion of this item and stepped down from the dais.

Councilmember Jones acknowledged that everyone that he had spoken to since the subject was first broached to form the Standing Westwind Community Barn Committee were in agreement that the creation of the Committee was a good idea. The consensus was from people who held varied opinions on Westwind Barn.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and unanimously passed to adopt the Resolution Establishing Standing Committees that included the creation of the Westwind Community Barn Committee as presented in the packet.

Councilmember Jones called for an amendment to the adopted resolution.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to rescind the prior action.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to adopt Resolution No. 44-06 Establishing Standing Committees and Adopting General and Special Rules Pertaining Thereto with the following amendment to the membership stipulation (j)(i) "The membership of this Committee shall consist of an odd number of members from seven (7) to eleven (11) members including two City Councilmembers who shall be voting members. A Councilmember shall serve as Chair of the Committee." Councilmember O'Malley abstained from discussion of this item.

Council discussed the selection of Councilmembers to serve on the Committee.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to appoint Council representatives Mordo and Kerr to the Committee, with Councilmember Mordo to serve as Chair. Councilmember O'Malley abstained from discussion of this item.

- Consideration of Motion to Dissolve the Ad-Hoc Committee on Recreational Facilities

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to dissolve the Ad-Hoc Committee on Recreational Facilities.

6. NEW BUSINESS

- ### 6.1 Consideration of Resolution Approving and Authorizing the City Manager to Execute an Agreement with LTD Equestrian Ranches (Added as an urgency item)

Acting City Manager Carl Cahill explained that Council had previously approved funding for refurbishment of the Town Riding Ring. The resolution before Council would facilitate payment to the contractor for the project.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and passed unanimously to approve Resolution No. 43-06 approving and authorizing the City Manager to Execute an Agreement with LTD Equestrian Ranches for Refurbishment of the Town's Riding Arena

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

None

8. STAFF REPORTS

- 8.1 City Manager
- 8.2 City Attorney
- 8.3 City Clerk
 - 8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

- ### 9.1 Discussion of AB117 Status - Consideration of Council Action – Mayor Kerr

Mayor Kerr provided a status report on AB 117. The Bill was currently being held in "suspense" while the State determines if it is revenue neutral. The preliminary opinion of state staffers was that the State would be losing some ERAF dollars. He suggested that the Council might have to compromise and give up approximately one-third of the funds they had expected to achieve by passage of the Bill. Kerr explained that the general consensus of the other cities was to attempt to eliminate the staff objections and get the full funding. He suggested that it was important for the Council to consider a fall back position if the negotiations were to fail noting that it was critical to get something passed

this year. The lobbyist assisting the no/low property tax cities was suggesting that the cities be willing to compromise.

Council discussion ensued. Council consensus was to continue to follow the advice of the lobbyist.

9.2 Consideration of Participation in “Cool Cities” Program and Adoption of Draft Resolution – Mayor Kerr

Mayor Kerr introduced this item to Council. The “Cool Cities” Program was similar to Sustainable Silicon Valley but on a national level. The Town reports on their CO₂ emissions to the SSV organization but no special reporting requirements were mandated by membership in the “Cool Cities” program.

Acting City Manager Cahill noted that the model resolution before Council did not require any monitoring or special reporting, however, if additional special reports were required, they could potentially take time away from the Town’s core services including infrastructure issues.

Council discussion ensued. They supported membership in the program if it did not require staff support.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Warshawsky and passed unanimously to approve Town participation in the “Cool Cities” Program and to adopt Resolution No.45-06 Endorsing the Mayors Climate Protection Agreement.

9.3 Consideration of Upgrade to Solar Energy Management System – Mayor Kerr

Mayor Kerr introduced this item to Council. Council had before them a proposal from ISAC, Inc for \$3,600 to program modifications to the Town’s solar management system. Kerr explained that he had identified certain errors in the solar reporting system and he believed the proposed work would correct the deficiencies. He noted that the system was very helpful in evaluating the solar productivity and ensuring that it was functioning at full capacity.

MOTION SECONDED AND CARRIED. Moved by Jones, seconded by O’Malley and passed unanimously to approve the expenditure and scope of work as identified in the proposal from ISAC, Inc. dated June 2, 2006.

10. PRESENTATIONS FROM THE FLOOR

Betty Kerns, resident, spoke to her recent home invasion armed robbery experience and requested that Council consider approving additional outdoor lighting at her residence that would better illuminate the area. She believed this was a critical safety issue and wished to expedite the process and not go through a site development hearing.

Acting City Manager/Planning Director Cahill suggested that Kerns meet with staff to discuss her request. He noted that additional security lighting at the site was permissible and the staff would work with her to review their options and would do everything to expedite the process. Kerns had been advised previously that security lighting could be installed without a site development process. Kerns did not believe this was adequate and asked for additional outdoor lights. She commented that she did not believe that the Town's code was in compliance with the UBC.

Council urged her to meet with staff. Cahill noted that the Sheriff's Department had also offered to meet at the residence to discuss additional security measures.

John Harpootlian, Anacapa Drive, reported that the Environmental Initiatives Committee's efforts to publicize the Town's single stream recycling program at the recent Town picnic were very successful.

Ginger Summit, Lenox Way, suggested that Council consider a special accommodation for the Community Relations Committee to recognize their efforts to host this year's Town picnic. Summit noted that the event was the best ever and had required many volunteer hours in planning and execution of the well attended annual event.

Councilmember Mordo offered kudos to Parks and Recreation Supervisor Tod McLemore who was this year's Picnic coordinator.

11. PUBLIC HEARINGS

11.1 Amendment to the Zoning Ordinance with Regard to Basement Definition and Associated Floor Area Exemption (Section 10-1.208) (CEQA review: Exempt pursuant to Section 15308) (FIRST READING)

Acting City Manager/Planning Director Carl Cahill introduced this item to Council. He explained that the ordinance before Council would clarify the basement definition with regard to basement ceiling height. The proposed ordinance had been developed in response to requests from architects and would make it easier for them to comply with the Town's basement requirements. The proposed ordinance would have no visual impact to building structures. Cahill noted that the proposed ordinance had been reviewed by the Planning Commission at their February 16, 2006 and May 4, 2006 meetings and they had voted unanimously to recommend approval.

OPENED PUBLIC HEARING

Resident questioned if the new ordinance would change the way the maximum development area calculations were done.

Cahill offered that there would be no outward affect to the calculations.

CLOSED PUBLIC HEARING

Councilmember Jones offered that the proposed ordinance was an appropriate recommendation from staff to amend the Town's zoning code. They had responded to suggestions and comments from residents and the architectural community and clarified the basement definition with the intent that the ordinance would be easier for applicants to comply with the statute and with no impact to neighbors of a project.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to waive reading and introduce the proposed ordinance amendment with regard to the basement definition and associated floor area exemption.

Council adjourned to Closed Session at 9:25 p.m.

12. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR(S): PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

Agency Designated Representative: Interim City Manager

Unrepresented Employee(s): City Clerk and Accountant/Office Manager

CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C):

Initiation of Litigation: One Case

Councilmember O'Malley recused himself from participation in the Closed Session item.

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: PURSUANT TO GOVERNMENT CODE SECTION 54957

Position: City Manager

CONFERENCE WITH LABOR NEGOTIATORS: PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiators: Craig Jones and Jean Mordo

Unrepresented Employee: City Manager

Council Reconvened to Open Session at 10:00 p.m.

Report out on Closed Session items: No action was taken.

13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 10:00 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the June 8, 2006 Regular City Council meeting were approved as presented at the June 22, 2006 Regular City Council meeting.